



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

TO: Circuit Court Clerks

FROM: Election Services (Rev. 6-12-23)

RE: Elections Records and Related Items – Circuit Court Clerks Guidance

As a courtesy, the Department of Elections is providing the following information and guidance on the election records and related items that will be delivered to circuit court clerks (clerks).

Transfer of Election Records and Related Items

Official election records, voting equipment keys, and any other electronic locking or activation devices are required to be delivered to the clerk:

- By officers of election by noon on the day after the election, or
- Upon completion of the canvass.
 - Exception: Envelope 2A must be given to the clerk the day after the election ([Virginia Code §24.2-658](#)).

Envelopes

In general, there are fifteen envelopes that are used to retain election records and related items. If a locality uses additional envelopes that are not covered in this document, they will provide instructions for those envelopes.

1A

There will only be an envelope 1A if provisional votes were cast.

If delivered to the clerk before noon on the day after the election, will need to be given to the electoral board to be used during canvass. At the completion of canvass, the electoral board will return to the clerk.

Contains:

- Uncounted provisional ballots cast (in sealed green envelopes).
- Provisional Ballot Logs

Must be sealed.

Retention period printed on front of envelope.

1B

Used only if voting hours are extended by court order.

If delivered to the clerk before noon on the day after the election, will need to be given to the electoral board to be used during canvass. At the completion of canvass, the electoral board will return to the clerk.

Contains:

- Provisional ballots cast by voters AFTER normal voting hours (in sealed green envelopes).
- Provisional Ballot Logs

Must be sealed.

Retention period printed on front of envelope.

IMPORTANT:

- If voting hours were not extended on Election Day, envelope 1B will not be submitted.
- If voting hours were extended but there were no voters after normal voting hours, an Empty Envelope Certification form will be submitted (in envelope 2) instead of envelope 1B.

2

If delivered to the clerk before noon on the day after the election, will need to be given to the electoral board to be used during canvass. At the completion of canvass, the electoral board will return to the clerk.

Contains:

- | | |
|--|---|
| • Officer of Election Oaths | • Inspection Sheets |
| • Paper Pollbooks (if used) | • Ballot Record Reports (if used) |
| • Pollbook Count Forms (if used) | • Rejected AB Logs (if used) |
| • Statements of Results | • Electronic Pollbook (EPB) Thumb Drives (if used) |
| • Final Absentee Ballot Applicants Lists | • Certification of Materials Used in Election forms (if used) |
| • Incident Reports (if used) | • Empty Envelope Certification forms (if used) |

Must be sealed.

Retention period printed on front of envelope.

IMPORTANT:

- After the time has expired for initiating any contest of the election or other such proceeding, or after such contest or proceeding is no longer pending if one is initiated (see [Virginia Code Title 24.2, Chapter 8](#)), the following items must be returned to the general registrar for retaining:
 - Officer of Election Oaths
 - Paper Pollbooks (if used)
 - Electronic Pollbook Thumb Drives (if used)
 - Final Absentee Ballot Applicants List (if used)
 - Incident Reports (if used)
 - Ballot Record Reports (if used)
 - Rejected AB Logs (if used)
- [Virginia Code §24.2-668\(A\)](#) states the statements of results and inspection sheets are to be retained for 2 years.

2A

Contains:

- Printed Return Sheets with consolidation or results tapes attached.

Must be sealed.

Retention period printed on front of envelope.

IMPORTANT:

- [Virginia Code §24.2-658](#) requires printed return sheets be available for public inspection on the day following the election and for sixty days thereafter.
- [Virginia Code §24.2-668\(A\)](#) requires the printed return sheets to be retained for 2 years.

3

In lieu of envelopes, boxes/containers may be used.

Contains:

- Counted ballots.

Must be sealed.

Retention period printed on front of envelope.

IMPORTANT:

- Once in the possession of the clerk, may not be provided to the electoral board except when authorized by the Department of Elections via a completed ELECT-659 Request to Inspect Sealed Election Materials form, on the order of a court, or for the purpose of an audit. ([Virginia Code §24.2-659](#) and [§24.2-669](#)).

4

In lieu of envelopes, boxes/containers may be used.

Contains:

- Spoiled and voided ballots.

Must be sealed.

Retention period printed on front of envelope.

IMPORTANT:

- Once in the possession of the clerk, may not be provided to the electoral board except when authorized by the Department of Elections via a completed ELECT-659 Request to Inspect Sealed Election Materials form, on the order of a court, or for the purpose of an audit. ([Virginia Code §24.2-659](#) and [§24.2-669](#)).

5

In lieu of envelopes, boxes/containers may be used.

Contains:

- Absentee ballot materials (if applicable):
 - Absentee ballots returned unused
 - Rejected/unopened AB envelopes
 - Empty AB envelopes
 - Empty AB returned envelopes

Must be sealed.

Retention period printed on front of envelope.

IMPORTANT:

- Once in the possession of the clerk, may not be provided to the electoral board except when authorized by the Department of Elections via a completed ELECT-659 Request to Inspect Sealed Election Materials form, on the order of a court, or for the purpose of an audit. ([Virginia Code §24.2-659](#) and [§24.2-669](#)).

6

In lieu of envelopes, boxes/containers may be used.

Contains:

- Unused ballots.

Must be sealed.

Retention period printed on front of envelope.

IMPORTANT:

- Once in the possession of the clerk, may not be provided to the electoral board except when authorized by the Department of Elections via a completed ELECT-659 Request to Inspect Sealed Election Materials form, on the order of a court, or for the purpose of an audit. ([Virginia Code §24.2-659](#) and [§24.2-669](#)).

7

Contains:

- Voting equipment keys
- Data storage units
- Seals from voting systems Section

Must be sealed.

Retention period printed on front of envelope.

IMPORTANT:

- Once in the possession of the clerk, may not be provided to the electoral board except when authorized by the Department of Elections via a completed ELECT-659 Request to Inspect Sealed Election Materials form, on the order of a court, or for the purpose of an audit. ([Virginia Code §24.2-659](#) and [§24.2-669](#)).

7FED (For Federal Elections Only.)

The electoral board will provide this envelope after you return envelope 7.

Contains:

- Data storage units

Must be sealed.

Retention period printed on front of envelope.

IMPORTANT:

- Once in the possession of the clerk, may not be provided to the electoral board except when authorized by the Department of Elections via a completed ELECT-659 Request to Inspect Sealed Election Materials form, on the order of a court, or for the purpose of an audit. ([Virginia Code §24.2-659](#) and [§24.2-669](#)).

8

Contains:

- Completed Voter Registration Applications
- Signed ID Confirmation Statements
- Completed Affirmation of Eligibility Forms
- Completed Request for Assistance Forms
- Authorized REP (Poll Watcher) Forms
- Other Completed Paperwork
- Ballot Collection Form Drop off Locations

Reusable, not sealed.

Is to be given to the general registrar for retention.

9

Is optional.

Contains:

- Virginia Election Laws

Reusable, not sealed.

Is to be given to the electoral board for retention.

10

Is optional.

Contains:

- Officer of election buttons/badges

Reusable, not sealed.

Is to be given to the electoral board for retention.

SBE-710-1ABA

In lieu of envelopes, boxes/containers may be used.

Contains:

- Absentee ballot applications received through Election Day.

Must be sealed.

Should be retained for 1 year for non-federal elections; 2 years for federal elections. §24.2-669

SBE-710-2BAL

In lieu of envelopes, boxes/containers may be used.

The secretary of the electoral board will deliver to the clerk **30 days after the election**.

Contains:

- Absentee ballots received the day after the election through 30 days after the election that do NOT meet the criteria set out in [Virginia Code §24.2-709.B](#) for being counted.

Must be sealed.

Should be retained for 1 year for non-federal elections; 2 years for federal elections. §24.2-669

IMPORTANT:

- All absentee ballots for this election received 31 days or more after the election will also be delivered to the clerk in an SBE-710-2BAL envelope.

SBE-FED

Contains:

- Voided Federal Write-In Absentee Ballots (FWAB)

Must be sealed.

Should be retained for 1 year for non-federal elections; 2 years for federal elections. §24.2-669

Risk-limiting Audits (RLA) (IF APPLICABLE)

The electoral board will need to have a completed and authorized ELECT-659 Request to Inspect Sealed Election Materials Form to access election materials for the RLA. ([Virginia Code §24.2-659](#) and [§24.2-669](#)).

Pursuant to [Virginia Code §24.2-671.2\(G\)](#), “At the conclusion of a risk-limiting audit, all audit materials, including ballots and any records generated during the course of the audit, shall be delivered to the clerk of the circuit court and retained as election materials pursuant to § [24.2-668](#).”

Ballots used during the RLA process must be resealed and retained for the time printed on the container label.

Any records generated during the course of the RLA are open to the public and must be retained for 2 years pursuant to [Virginia Code §24.2-668](#).